

# KLARIS

June 10, 2025

**VIA ECF**

Hon. Ona T. Wang  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: In re: OpenAI, Inc., Copyright Infringement Litigation, 1:25-md-03143-SHS-OTW**  
**This Document Relates To: Ziff Davis, Inc. et al v. OpenAI, Inc. et al., Case No.**  
**25-cv-04315-SHS-OTW**

Dear Judge Wang,

Plaintiffs Ziff Davis, Inc., Ziff Davis, LLC, IGN Entertainment, Inc., and Everyday Health Media, LLC (“Ziff Davis”) respectfully request a pre-motion conference to address the continued refusal by Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI, LLC, OpenAI OPCO LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC (“OpenAI”) to confirm whether OpenAI’s cross-production, with the exception of documents subject to third-party confidentiality notices, is complete.

On May 15, 2025, Ziff Davis requested by letter that OpenAI make available to Ziff Davis the discovery it had previously issued to the other news plaintiffs, and stated that Ziff Davis would abide by the existing protective order in the news cases. OpenAI did not respond to that letter. At the May 22, 2025 Case Management Conference, when questioned by Judge Stein about cross-production to Ziff Davis, counsel for OpenAI responded that he would “need to check with [his] colleagues on that” and would confirm OpenAI’s position at the May 27 discovery conference. Dkt. 80, May 22, 2025 Case Management Conf. Tr. at 65:24-66:14.

Up until the morning of the May 27, 2025 discovery conference, OpenAI had made no production or effort to meet and confer regarding production. At that discovery conference, OpenAI’s counsel stated that OpenAI wished to cross-produce to Ziff Davis under a new MDL Bates stamp number, and that it would take “a little time to get that going” but that counsel believed cross-production could be commenced “in the next couple of weeks.” However, Your Honor instead ordered OpenAI to “[s]tart cross-production by Friday” May 30 and not to “make perfect the enemy of the good, especially as it comes to the Bates stamping.” Dkt. 109, May 27, 2025 Discovery Hr’g Tr. at 4:18-6:17.

OpenAI did not make any production on Friday, May 30. However, OpenAI thereafter cross-produced documents to Ziff Davis in three sets under existing Bates numbers on May 31, June 5, and June 9, respectively. Prior to the June 5 production, OpenAI’s counsel stated that after the second production, OpenAI anticipated producing “one more large volume at the end of the

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week.” After the third production on June 9, Ziff Davis sought confirmation that this production completed OpenAI’s cross-production of all documents except for documents withheld on the grounds that they are subject to pending third-party notices as to confidentiality (an issue upon which the Parties have met and conferred separately). OpenAI did not respond to this June 9 request, and it ignored a subsequent request on June 10 to meet and confer if OpenAI was unable to confirm completion of the cross-production.

Given that OpenAI is simply re-producing documents that have already been produced to other plaintiffs, it should not take a full month to complete cross-production. At a minimum, OpenAI must confirm where this process stands.

In light of OpenAI’s failure to cooperate, Ziff Davis respectfully requests that this Court schedule a pre-motion conference to address this issue.

Respectfully submitted,

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